

JOURNAL OF THE HOUSE

NINETY-FIRST SESSION

FIFTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 4, 2016

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Paul Bly, followed by the Pledge of Allegiance led by House pages Cory Murphy and Georgiale Quail.

Roll Call: All members present except Reps. Hawks and Kaiser who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fourteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

HONORED GUESTS

Speaker Wink introduced Commander Ron Withrow of Gales Ferry, Connecticut. He announced the commissioning of the nuclear submarine SSN South Dakota 790.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Taxation respectfully reports that it has had under consideration HB 1051 and 1150 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Taxation respectfully reports that it has had under consideration HB 1083 and returns the same with the recommendation that said bill be amended as follows:

1083jb

On page 2 of the printed bill, delete line 2, and insert "to be titled and registered under chapters 32-3 and 32-5, or required to be titled under chapter 32-20 except".

On page 4, after line 21, insert:

" Section 7. That chapter 32-5B be amended by adding a NEW SECTION to read:

All excise taxes collected on the purchase of an off-road vehicle as provided by § 32-5B-1 shall be deposited in the state general fund."

And that as so amended said bill do pass.

Respectfully submitted,
Roger D. Solum, Chair

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 27 and 28 and returns the same with the recommendation that said bills do pass.

1 Also MR. SPEAKER:

2 The Committee on Health and Human Services respectfully reports that it has had under
3 consideration SB 20 and returns the same with the recommendation that said bill be amended
4 as follows:

5 20ca

6 On page 10, after line 23 of the printed bill, insert:

7 " Section 23. That § 32-23-2.1 be amended to read:

8 32-23-2.1. Any person convicted of a first offense pursuant to § 32-23-1 with a 0.17 percent
9 or more by weight of alcohol in the person's blood shall, in addition to the penalties provided
10 in § 32-23-2, be required to undergo a court-ordered evaluation by ~~a chemical dependency~~
11 ~~counselor as defined in § 34-20A-2~~ an addiction counselor licensed or certified by the Board of
12 Addiction and Prevention Professionals pursuant to § 36-34-13.1 or a licensed or certified health
13 care professional with specialized training in chemical dependency evaluation to determine if
14 the defendant is chemically dependent. The cost of such evaluation shall be paid by the
15 defendant. The recommendations of the evaluation shall be provided to the referring judge."

16 And that as so amended said bill do pass and be placed on the consent calendar.

17 Respectfully submitted,
18 Scott Munsterman, Chair

19 Also MR. SPEAKER:

20 The Committee on Agriculture and Natural Resources respectfully reports that it has had
21 under consideration HB 1120 and 1151 and returns the same with the recommendation that said
22 bills do pass.

23 Respectfully submitted,
24 Lee Qualm, Chair

25 Also MR. SPEAKER:

26 The Committee on Local Government respectfully reports that it has had under
27 consideration SB 2 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration HB 1106 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Kristin A. Conzet, Chair

6 **MESSAGES FROM THE SENATE**

7 MR. SPEAKER:

8 I have the honor to return herewith HB 1018, 1019, 1020, 1021, 1022, 1040, and 1062
9 which have passed the Senate without change.

10 Also MR. SPEAKER:

11 I have the honor to inform your honorable body that HB 1001 was tabled.

12 Also MR. SPEAKER:

13 I have the honor to transmit herewith SB 8, 12, 26, 54, 63, 81, 82, and 93 which have
14 passed the Senate and your favorable consideration is respectfully requested.

15 Respectfully,
16 Kay Johnson, Secretary

17 **MOTIONS AND RESOLUTIONS**

18 HCR 1005: A CONCURRENT RESOLUTION, Urging the federal government to refrain
19 from enacting regulations that threaten the reliability and affordability of electric power in the
20 northern great plains.

21 Rep. Wiik moved that HCR 1005 as found on page 251 of the House Journal be adopted.

22 The question being on Rep. Wiik's motion that HCR 1005 be adopted.

23 And the roll being called:

24 Yeas 65, Nays 3, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;
3 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;
4 Haugaard; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
5 Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;
6 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
7 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;
8 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
9 Wollmann; Zikmund; Speaker Wink

10 Nays:

11 Bordeaux; Killer; Soli

12 Excused:

13 Hawks; Kaiser

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the motion carried and HCR 1005 was adopted.

16 HCR 1006: A CONCURRENT RESOLUTION, Commending and recognizing the
17 numerous contributions made by South Dakota's social workers and recognizing March 2016
18 as Social Work Month.

19 Rep. Hunhoff moved that HCR 1006 as found on page 253 of the House Journal be
20 adopted.

21 The question being on Rep. Hunhoff's motion that HCR 1006 be adopted.

22 And the roll being called:

23 Yeas 68, Nays 0, Excused 2, Absent 0

24 Yeas:

25 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
26 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don);
27 Harrison; Haugaard; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen
28 (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
29 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
30 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
31 Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra;
32 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

33 Excused:

34 Hawks; Kaiser

35 So the motion having received an affirmative vote of a majority of the members-elect, the
36 Speaker declared the motion carried and HCR 1006 was adopted.

1 Yesterday, Rep. Haggar announced his intention to reconsider the vote by which HB 1086
2 lost.

3 Rep. Haggar moved that the House do now reconsider the vote by which HB 1086 lost.

4 The question being on Rep. Haggar's motion to reconsider the vote by which HB 1086 lost.

5 And the roll being called:

6 Yeas 34, Nays 34, Excused 2, Absent 0

7 Yeas:

8 Beal; Bolin; Bordeaux; Cronin; DiSanto; Dryden; Gosch; Haggar (Don); Haugaard; Hawley;
9 Hunt; Jensen (Alex); Killer; Klumb; Langer; Latterell; Mickelson; Munsterman; Otten
10 (Herman); Rounds; Rozum; Russell; Schoenfish; Schrempp; Soli; Solum; Stalzer; Steinhauer;
11 Tulson; Werner; Westra; Wiik; Willadsen; Zikmund

12 Nays:

13 Anderson; Bartling; Brunner; Campbell; Conzet; Craig; Deutsch; Duvall; Feickert; Gibson;
14 Greenfield (Lana); Harrison; Heinemann (Leslie); Holmes; Hunhoff (Jean); Johns; Kirschman;
15 Marty; May; McCleerey; Novstrup (Al); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
16 Romkema; Schaefer; Schoenbeck; Sly; Stevens; Verchio; Wollmann; Speaker Wink

17 Excused:

18 Hawks; Kaiser

19 So the motion not having received an affirmative vote of a majority of the members-elect,
20 the Speaker declared the motion lost.

21 Rep. Gosch moved that HB 1114 be referred from the Committee on State Affairs to the
22 Committee on Transportation.

23 Which motion prevailed.

24 HCR 1007 Introduced by: Representatives Cronin, Anderson, Bartling, Brunner, Dryden,
25 Duvall, Feickert, Gosch, Harrison, Jensen (Alex), Klumb, Mickelson, Otten (Herman), Peterson
26 (Kent), Qualm, Westra, Wiik, and Wink and Senators Cammack, Brown, Frerichs, Olson,
27 Peters, Peterson (Jim), Shorma, Tidemann, Van Gerpen, and White

28 A CONCURRENT RESOLUTION, Requiring the use of sound science in evaluating crop
29 protection chemistries and nutrients.

30 WHEREAS, a sustainable agricultural system in the United States is critical to the continued
31 production of food and fiber to meet both domestic and global demands; and

1 WHEREAS, the treatment, prevention, and control of agricultural pests is critically
2 important to the health and welfare of our residents and the safety of our global food supply; and

3 WHEREAS, the availability of modern technologies such as precision farming equipment,
4 crop protection chemistries, and agricultural nutrients are critically important tools that allow
5 farmers to expand yields, reduce environmental impacts, improve profitability, and provide a
6 safe, healthy, abundant, and affordable food supply; and

7 WHEREAS, the agriculture and food production industries have a long history of success
8 and safety in protecting and further enhancing the food supply; and

9 WHEREAS, the agriculture industry is recognized as an important contributor to the
10 economic vitality of the State of South Dakota through jobs, capital investment, farm income,
11 value added sectors, and contributions to the state's tax base; and

12 WHEREAS, the crop protection industry is among the most studied and regulated of all
13 industries at both the state and federal levels; and

14 WHEREAS, the continued success of these industries and our nation's position as a world
15 leader in crop protection chemistries and nutrients depends on state and federal regulators
16 utilizing science based data to assess both product and ingredient safety; and

17 WHEREAS, sound science rather than the precautionary principle should be the bedrock
18 of our nation's regulatory scheme:

19 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-
20 First Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature
21 supports the use of science based data to assess the impacts and the regulation of crop protection
22 chemistries and nutrients; and

23 BE IT FURTHER RESOLVED, that the Legislature opposes legislative or regulatory action,
24 whether at the federal or state level, that may result in unnecessary restrictions on the use of crop
25 protection chemistries and nutrients that are not based on sound science; and

26 BE IT FURTHER RESOLVED, that this resolution be sent to each member of the South
27 Dakota congressional delegation.

28 Was read the first time and the Speaker waived the committee referral.

HCR 1008 Introduced by: Representatives Haggar (Don), Anderson, Bolin, Brunner, Campbell, DiSanto, Harrison, Haugaard, Hunt, Johns, Klumb, Langer, Latterell, Marty, Munsterman, Novstrup (Al), Peterson (Kent), Qualm, Rasmussen, Romkema, Rounds, Schaefer, Schoenfish, Stalzer, Steinhauer, Tulson, Verchio, Werner, Wiik, Willadsen, Wollmann, and Zikmund and Senators Jensen (Phil), Curd, Fiegen, Greenfield (Brock), Haggar (Jenna), Holien, Monroe, Novstrup (David), Omdahl, Peterson (Jim), and Rusch

A CONCURRENT RESOLUTION, Urging Congress to support and to ask the United States Secretary of State to approve the Keystone XL Pipeline project.

WHEREAS, the United States relies, and will continue to rely for many years, on gasoline, diesel, and jet fuel despite the recent focus on renewable and alternative sources of energy; and

WHEREAS, in order to fuel our economy the United States will need more oil and natural gas in addition to requiring additional alternative energy sources; and

WHEREAS, the United States currently depends on foreign imports for more than half of its petroleum usage and is the largest consumer of petroleum in the world and United States dependence on overseas oil has created difficult geopolitical relationships with potentially damaging consequences for our national security; and

WHEREAS, oil deposits in the Bakken Reserves of Montana, North Dakota, and South Dakota are an increasingly important crude oil resource with an estimated eleven billion barrels of recoverable crude oil, and there is not enough pipeline capacity for crude oil supplies from Montana, North Dakota, South Dakota, Oklahoma, and Texas to American refineries; and

WHEREAS, Canadian oil reserves contain an estimated 173 billion barrels of recoverable oil and Canada is the single largest supplier of oil to the United States at 2.62 million barrels per day with the capacity to significantly increase that rate; and

WHEREAS, the Keystone XL pipeline will, when completed, carry 700,000 barrels of North American crude oil to American refineries in the Gulf Coast region; and

WHEREAS, construction of the project will create 120,000 jobs nationwide including 20,000 in construction and manufacturing, create twenty billion dollars in economic growth, and generate millions of dollars worth of government receipts; and

WHEREAS, a recent study by the United States Department of Energy found that increasing delivery of crude oil from Montana, North Dakota, South Dakota, and Alberta, as well as Texas and Oklahoma, to American refineries has the potential to substantially reduce our country's dependency on sources outside of North America; and

WHEREAS, Canada sends more than ninety-nine percent of its oil exports to the United States, the bulk of which goes to Midwestern refineries; and oil companies are investing huge sums to expand and upgrade refineries in the Midwest to make gasoline and other refined products from Canadian oil and the expansion and upgrade projects will create many new construction jobs over the next five years and substantially add to the gross product of South Dakota; and

1 WHEREAS, ninety percent of the money used to buy Canadian oil will likely later be spent
2 directly on United States goods and services in contrast with increasing the trade relationship
3 with unstable regions. Supporting the continued shift towards reliable and secure sources of
4 North American oil is a vital interest to the United States and the State of South Dakota:

5 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-
6 First Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature
7 supports continued and increased development and delivery of oil derived from North American
8 oil reserves to American refineries; urges Congress to support continued and increased
9 development and delivery of oil from Canada to the United States and urges Congress to ask the
10 United States Secretary of State to approve the Keystone XL pipeline project that has been
11 awaiting a presidential permit since 2008 to ensure America's oil independence, improve our
12 national security, reduce the cost of gasoline, create new jobs, and strengthen ties between the
13 United States and Canada; and

14 BE IT FURTHER RESOLVED, that the secretary of state transmit duly authenticated copies
15 of this resolution to the speaker and clerk of the United States House of Representatives, to the
16 president pro tempore and secretary of the United States Senate, and to the members of the
17 South Dakota Congressional delegation.

18 Was read the first time and the Speaker waived the committee referral.

19 HCR 1009 Introduced by: Representatives Stalzer, Beal, Brunner, Campbell, Craig,
20 DiSanto, Haggar (Don), Harrison, Haugaard, Latterell, Marty, May, Partridge, Qualm,
21 Rasmussen, Rounds, Steinhauer, Verchio, Wiik, Willadsen, and Zikmund and Senators Monroe,
22 Greenfield (Brock), Haggar (Jenna), Holien, Jensen (Phil), and Olson

23 A CONCURRENT RESOLUTION, Expressing the right of South Dakotans to own and use
24 firearms.

25 WHEREAS, the Constitution of South Dakota provides, "[t]he right of the citizens to bear
26 arms in defense of themselves and the state shall not be denied"; and

27 WHEREAS, the Second Amendment to the Constitution of the United States provides, "[a]
28 well-regulated militia being necessary to the security of a free state, the right of the people to
29 keep and bear arms shall not be infringed"; and

30 WHEREAS, in the case of *Printz v. United States* the United States Supreme Court affirmed
31 that the federal government does not have the authority to commandeer local or state agents to
32 enforce federal policy; and

33 WHEREAS, Article I, Section 8 of the Constitution of the United States specifies the
34 powers of the Congress of the United States, and those powers do not include impairing the
35 Second Amendment to the Constitution of the United States or any other amendment to the
36 Constitution of the United States guaranteeing rights to the people or to a state; and

1 WHEREAS, Article II, Section 2 of the Constitution of the United States specifies the
2 powers of the President of the United States and that section does not authorize the President
3 to violate the Constitution of the United States or the amendments to the Constitution of the
4 United States; and

5 WHEREAS, the Tenth Amendment to the Constitution of the United States provides, "[t]he
6 powers not delegated to the United States by the Constitution, nor prohibited by it to the States,
7 are reserved to the States respectively, or to the people"; and

8 WHEREAS, the Fourteenth Amendment to the Constitution of the United States provides,
9 in part, "[n]o state shall make or enforce any law which shall abridge the privileges or
10 immunities of citizens of the United States; nor shall any state deprive any person of life, liberty,
11 or property without due process of law";

12 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-
13 First Legislature of the State of South Dakota, the Senate concurring therein, that it is the duty
14 of the Legislature and its members to protect and defend the Constitution of the United States
15 and the Constitution of South Dakota; and

16 BE IT FURTHER RESOLVED, that all federal acts, laws, orders, rules, and regulations,
17 present or future, attempting to commandeer local or state law enforcement officers to enforce
18 federal restrictions on firearms violates the Constitution of the United States and are invalid in
19 this state, not recognized in this state, considered null and void in this state, and hold no effect
20 in this state; and

21 BE IT FURTHER RESOLVED, that current and proposed executive actions by the
22 President of the United States relating to the acquisition, possession, and use of firearms and
23 accessories goes beyond the President's powers under the Constitution of the United States and
24 violates the rights of all citizens and it is the duty of the South Dakota Legislature to adopt and
25 enact any and all measures as may be necessary to prevent the enforcement of any federal act,
26 law, order, rule, or regulation which attempts to commandeer local or state law enforcement
27 officers to enforce federal restrictions on firearms in violation of the Constitution of the United
28 States.

29 Was read the first time and the Speaker waived the committee referral.

30 Rep. Gosch moved that when we adjourn today, we adjourn to convene at 12:30 p.m. on
31 Friday, February 5, the 16th legislative day.

32 Which motion prevailed.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Rep. Gosch moved that the reports of the Standing Committees on
3 State Affairs on HB 1112 as found on page 248 of the House Journal; also
4 State Affairs on HB 1107 as found on page 248 of the House Journal; also
5 Education on HB 1061 as found on page 249 of the House Journal be adopted.
6 Which motion prevailed.

7 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

8 The following bill was read on Wednesday, February 3, and today the Speaker assigned
9 this bill to committee.

10 HB 1203 was referred to the Joint Committee on Appropriations.

11 HB 1213 Introduced by: Representative Mickelson and Senator Cammack

12 FOR AN ACT ENTITLED, An Act to create the new frontiers program to support
13 innovative research by South Dakota companies.

14 Was read the first time and referred to the Committee on Commerce and Energy.

15 HB 1214 Introduced by: Representatives Mickelson, Cronin, Dryden, Haugaard, Hawley,
16 Hunt, Jensen (Alex), Johns, Langer, Schoenfish, Stevens, Tulson, and Westra and Senators
17 Peters, Haverly, Omdahl, Otten (Ernie), Sutton, Tidemann, and White

18 FOR AN ACT ENTITLED, An Act to regulate conflicts of interest for authority, board,
19 or commission members.

20 Was read the first time and referred to the Committee on State Affairs.

1 HB 1215 Introduced by: Representatives Haugaard, Campbell, DiSanto, Hunt, Klumb,
2 Qualm, Steinhauer, and Wiik and Senators Monroe, Haggar (Jenna), Holien, Olson, Otten
3 (Ernie), and Rampelberg

4 FOR AN ACT ENTITLED, An Act to authorize a private school to hold dual status as an
5 alternative instruction program under certain conditions.

6 Was read the first time and referred to the Committee on Education.

7 HB 1216 Introduced by: Representatives Hawks, Bordeaux, and Soli and Senators Jensen
8 (Phil), Greenfield (Brock), and Hunhoff (Bernie)

9 FOR AN ACT ENTITLED, An Act to provide for the determination of avoided cost by
10 certain public utilities.

11 Was read the first time and referred to the Committee on Commerce and Energy.

12 HB 1217 Introduced by: Representatives Munsterman, Bolin, Deutsch, and Hunhoff (Jean)
13 and Senators Sutton, Soholt, Solano, and Tidemann

14 FOR AN ACT ENTITLED, An Act to provide for the employment of chiropractors by
15 corporations under certain conditions.

16 Was read the first time and referred to the Committee on Commerce and Energy.

17 HB 1218 Introduced by: Representatives Harrison, Conzet, Langer, Partridge, Schoenbeck,
18 Solum, Stalzer, and Zikmund and Senators Brown, Ewing, Fiegen, and Vehle

19 FOR AN ACT ENTITLED, An Act to require certain notice procedures for any revision
20 of municipal ordinances.

21 Was read the first time and referred to the Committee on Local Government.

22 HB 1219 Introduced by: Representatives Gosch, Gibson, Haggar (Don), Mickelson,
23 Stevens, Westra, and Wink and Senators Rusch, Curd, Ewing, Frerichs, Heineman (Phyllis),
24 Heinert, and Omdahl

25 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning adverse
26 possession of certain real property.

27 Was read the first time and referred to the Committee on State Affairs.

1 HB 1220 Introduced by: Representatives Bartling, Haggar (Don), Hawley, Qualm, and
2 Schoenfish and Senators Heinert, Bradford, Hunhoff (Bernie), Parsley, Sutton, and Van Gerpen

3 FOR AN ACT ENTITLED, An Act to direct the secretary of education to rescind a GEAR
4 UP grant waiver.

5 Was read the first time and referred to the Committee on Education.

6 HB 1221 Introduced by: Representatives Hawley, Bartling, Bordeaux, Feickert, Gibson,
7 Hawks, Kirschman, McCleerey, Ring, Schrempp, and Soli and Senators Sutton, Bradford, Buhl
8 O'Donnell, Frerichs, Heinert, Hunhoff (Bernie), Parsley, and Peterson (Jim)

9 FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education
10 funding.

11 Was read the first time and referred to the Joint Committee on Appropriations.

12 HB 1222 Introduced by: Representatives Hawley, Bartling, Bordeaux, Feickert, Gibson,
13 Hawks, Kirschman, McCleerey, Ring, Schrempp, and Soli and Senators Sutton, Bradford, Buhl
14 O'Donnell, Frerichs, Heinert, Hunhoff (Bernie), Parsley, and Peterson (Jim)

15 FOR AN ACT ENTITLED, An Act to accommodate legislation relating to shared services
16 in schools.

17 Was read the first time and referred to the Committee on Education.

18 HB 1223 Introduced by: Representative Cronin and Senator Brown

19 FOR AN ACT ENTITLED, An Act to accommodate legislation relating to livestock
20 control.

21 Was read the first time and referred to the Committee on Agriculture and Natural
22 Resources.

1 HB 1224 Introduced by: Representatives Partridge, Anderson, Bolin, Cronin, Dryden,
2 Gibson, Harrison, Holmes, Jensen (Alex), May, Mickelson, Rasmussen, Romkema, Rozum,
3 Schoenbeck, Schoenfish, Soli, Stalzer, Tulson, Wiik, Wollmann, and Zikmund and Senators
4 Solano, Cammack, Greenfield (Brock), Haverly, Heineman (Phyllis), Monroe, Peters, Soholt,
5 Sutton, Tieszen, and White

6 FOR AN ACT ENTITLED, An Act to authorize the Investment Council to enter into an
7 agreement to allow South Dakota residents to participate in an ABLE savings program to
8 support individuals with disabilities.

9 Was read the first time and referred to the Committee on State Affairs.

10 HB 1225 Introduced by: Representatives Craig, Brunner, Deutsch, DiSanto, Greenfield
11 (Lana), Heinemann (Leslie), Hunt, Klumb, Marty, Otten (Herman), Qualm, Rasmussen,
12 Schoenfish, Stalzer, Willadsen, and Wollmann and Senators Rampelberg, Ewing, Greenfield
13 (Brock), Olson, Otten (Ernie), Shorma, and Van Gerpen

14 FOR AN ACT ENTITLED, An Act to provide for the forfeiture and disposition of certain
15 property utilized in acts of terrorism.

16 Was read the first time and referred to the Committee on Judiciary.

17 HB 1226 Introduced by: Representatives Wollmann, Jensen (Alex), Johns, Schoenfish,
18 Tulson, and Zikmund and Senators Van Gerpen and Haverly

19 FOR AN ACT ENTITLED, An Act to make a special appropriation to continue funding
20 the military funeral honors stipend.

21 Was read the first time and referred to the Joint Committee on Appropriations.

22 HB 1227 Introduced by: Representatives Hawks, Bartling, Bordeaux, Feickert, Gibson,
23 Hawley, Killer, Kirschman, McCleerey, Ring, Schrempp, and Soli and Senators Parsley,
24 Bradford, Buhl O'Donnell, Frerichs, Heinert, Hunhoff (Bernie), Peterson (Jim), and Sutton

25 FOR AN ACT ENTITLED, An Act to establish the South Dakota Government
26 Accountability Committee.

27 Was read the first time and referred to the Committee on State Affairs.

1 HB 1228 Introduced by: Representative Hawks and Senator Frerichs

2 FOR AN ACT ENTITLED, An Act to accommodate legislation relating to a mandatory
3 state of origin meat labeling program.

4 Was read the first time and referred to the Committee on Agriculture and Natural
5 Resources.

6 HB 1229 Introduced by: Representatives Romkema, Beal, Brunner, Deutsch, Dryden,
7 Gibson, Jensen (Alex), Verchio, Wiik, Wollmann, and Zikmund and Senators Ewing, Buhl
8 O'Donnell, Curd, Greenfield (Brock), Monroe, Novstrup (David), and Peters

9 FOR AN ACT ENTITLED, An Act to revise provisions related to primary insurance of
10 rental cars.

11 Was read the first time and referred to the Committee on Commerce and Energy.

12 HB 1230 Introduced by: Representatives Schoenfish, Bartling, Hawley, Peterson (Kent),
13 Rasmussen, Tulson, and Willadsen and Senators Van Gerpen, Heinert, Holien, Peterson (Jim),
14 and Rusch

15 FOR AN ACT ENTITLED, An Act to apply certain provisions regarding the operation of
16 vehicles on the highways to animal-drawn vehicles.

17 Was read the first time and referred to the Committee on Transportation.

18 HB 1231 Introduced by: Representatives Tulson, Brunner, Campbell, Feickert, Greenfield
19 (Lana), Holmes, Jensen (Alex), Kirschman, Marty, May, McCleerey, Otten (Herman), Partridge,
20 Qualm, Schaefer, Schoenfish, Solum, Stalzer, Stevens, Wiik, and Wollmann and Senators
21 Shorma, Frerichs, Heinert, Hunhoff (Bernie), Olson, and Peterson (Jim)

22 FOR AN ACT ENTITLED, An Act to authorize motor carrier inspectors to carry firearms.

23 Was read the first time and referred to the Committee on Transportation.

24 HB 1232 Introduced by: Representative May and Senator Jensen (Phil)

25 FOR AN ACT ENTITLED, An Act to provide for additional openness of local
26 governmental meetings.

27 Was read the first time and referred to the Committee on Local Government.

1 HB 1233 Introduced by: Representatives May, Brunner, Campbell, and DiSanto and
2 Senator Olson

3 FOR AN ACT ENTITLED, An Act to exempt the state from daylight saving time.

4 Was read the first time and referred to the Committee on State Affairs.

5 HB 1234 Introduced by: Representatives Haggar (Don), Anderson, Bolin, Gosch,
6 Heinemann (Leslie), Hunt, Langer, Qualm, Stevens, Westra, and Wollmann and Senators
7 Holien, Ewing, Haggar (Jenna), Heineman (Phyllis), and Otten (Ernie)

8 FOR AN ACT ENTITLED, An Act to require the approval of the Legislature before the
9 state adopts any changes to the Medicaid program.

10 Was read the first time and referred to the Committee on State Affairs.

11 HB 1235 Introduced by: Representatives Jensen (Alex), Cronin, and Dryden and Senators
12 Soholt, Brown, Peters, and Tidemann

13 FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents to
14 fund the obstetrics and gynecology residency program and to declare an emergency.

15 Was read the first time and referred to the Joint Committee on Appropriations.

16 HB 1236 Introduced by: Representatives Klumb, Brunner, Campbell, Haugaard, and
17 Steinhauer and Senator Olson

18 FOR AN ACT ENTITLED, An Act to define a halfway house.

19 Was read the first time and referred to the Committee on Health and Human Services.

20 HB 1237 Introduced by: Representatives Partridge, Hunt, Johns, and Stevens and Senator
21 Rusch

22 FOR AN ACT ENTITLED, An Act to adopt the Uniform Power of Attorney Act.

23 Was read the first time and referred to the Committee on Judiciary.

1 HB 1238 Introduced by: Representatives Westra, Bartling, Beal, Bolin, Brunner, Campbell,
2 DiSanto, Feickert, Gosch, Haggar (Don), Harrison, Haugaard, Hawks, Hawley, Hunt, Jensen
3 (Alex), Langer, Latterell, Marty, May, Mickelson, Novstrup (Al), Peterson (Kent), Rounds,
4 Russell, Schoenbeck, Stalzer, Stevens, Verchio, Werner, Wink, and Wollmann and Senators
5 White, Brown, Cammack, Curd, Frerichs, Greenfield (Brock), Haggar (Jenna), Heineman
6 (Phyllis), Heinert, Jensen (Phil), Olson, Otten (Ernie), Solano, Sutton, and Tieszen

7 FOR AN ACT ENTITLED, An Act to revise the powers and duties of the Executive Board
8 of the Legislative Research Council.

9 Was read the first time and referred to the Committee on State Affairs.

10 HB 1239 Introduced by: Representatives Campbell, Marty, May, Otten (Herman), Qualm,
11 Verchio, Wiik, and Zikmund and Senators Monroe, Jensen (Phil), and Olson

12 FOR AN ACT ENTITLED, An Act to provide for the election of the county directors of
13 equalization.

14 Was read the first time and referred to the Committee on Local Government.

15 HB 1240 Introduced by: Representatives Haugaard, DiSanto, Hunt, and Klumb and
16 Senators Jensen (Phil), Haggar (Jenna), Holien, Monroe, Olson, Omdahl, and Rampelberg

17 FOR AN ACT ENTITLED, An Act to adopt a compact for a balanced budget and to
18 declare an emergency.

19 Was read the first time and referred to the Committee on State Affairs.

20 HB 1241 Introduced by: Representative Bolin and Senator Omdahl

21 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the petition
22 signatures required for initiated measures and referred laws.

23 Was read the first time.

24 HB 1242 Introduced by: Representatives Gibson, Bartling, Bordeaux, Brunner, Hawks,
25 Hawley, Johns, Killer, Klumb, Munsterman, Rasmussen, Russell, Schoenfish, Schrempp, and
26 Soli and Senators Buhl O'Donnell, Bradford, Heinert, Parsley, Peterson (Jim), Rusch, Soholt,
27 and Sutton

28 FOR AN ACT ENTITLED, An Act to authorize parents to request a security freeze for
29 their child's credit report until the age of eighteen.

30 Was read the first time.

1 HB 1243 Introduced by: Representatives Gibson, Deutsch, Hawks, Holmes, Johns, Langer,
2 Latterell, McCleerey, Soli, Stevens, and Tulson and Senators Buhl O'Donnell, Bradford,
3 Hunhoff (Bernie), Parsley, and Peterson (Jim)

4 FOR AN ACT ENTITLED, An Act to prohibit the unauthorized sharing of certain private
5 images on the internet.

6 Was read the first time.

7 HB 1244 Introduced by: Representatives Gibson, Bartling, Feickert, Hawley, Johns, Killer,
8 Kirschman, McCleerey, Ring, Schrempp, and Soli and Senators Buhl O'Donnell, Olson, Parsley,
9 Peterson (Jim), Rusch, and Tieszen

10 FOR AN ACT ENTITLED, An Act to revise provisions related to the sex offender registry

11 Was read the first time.

12 HB 1245 Introduced by: Representative Killer and Senator Heinert

13 FOR AN ACT ENTITLED, An Act to accommodate legislation relating to occupational
14 licensing.

15 Was read the first time.

16 HB 1246 Introduced by: Representatives Jensen (Alex) and Cronin and Senators Brown
17 and Heinert

18 FOR AN ACT ENTITLED, An Act to require a study of certain real estate transactions and
19 relationships.

20 Was read the first time.

21 HB 1247 Introduced by: Representatives Gosch, Anderson, Bartling, Haggart (Don),
22 Hawley, Langer, and Westra and Senators Greenfield (Brock), Jensen (Phil), Monroe, Olson,
23 Omdahl, and Van Gerpen

24 FOR AN ACT ENTITLED, An Act to require school districts and licensed child welfare
25 agencies to implement a policy and provide training regarding sexual abuse and other
26 maltreatment of children.

27 Was read the first time.

HJR 1001 Introduced by: Representatives Latterell, Bolin, Campbell, Craig, DiSanto, Greenfield (Lana), Marty, May, McCleerey, Qualm, Schoenbeck, Stalzer, Verchio, Wiik, and Zikmund and Senators Jensen (Phil) and Olson

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to Article IV, section 3 of the Constitution of the State of South Dakota, relating to the powers and duties of the Governor.

Was read the first time.

HJR 1002 Introduced by: Representatives Latterell, Craig, Haugaard, Heinemann (Leslie), Qualm, Stalzer, and Wiik and Senators Curd, Heineman (Phyllis), Holien, Jensen (Phil), and Rampelberg

A JOINT RESOLUTION, To apply for a Convention of the States under Article V of the Constitution of the United States.

Was read the first time.

The Speaker declared that HB 1109 and 1178 were withdrawn at the request of the prime sponsors pursuant to Joint Rule 6B-1.1.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 8: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding background investigations for prospective employees of the postsecondary technical institutes and to transfer certain funds regarding postsecondary technical credentialing.

Was read the first time and referred to the Committee on Education.

SB 12: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to sell certain extraneous real property in Brookings County and to deposit the proceeds with the state treasurer to be credited to a fund designated as the real property acquisition and capital improvement fund for South Dakota State University.

Was read the first time and the Speaker waived the referral to the standing committee pursuant to Joint Rule 6D-1.

SB 26: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning sex offender registration and to require an offender to notify of intended foreign travel.

Was read the first time and referred to the Committee on Judiciary.

SB 54: FOR AN ACT ENTITLED, An Act to adopt the Elder Abuse Task Force's statutory recommendations in order to protect South Dakota seniors and adults with disabilities from abuse, neglect, and exploitation.

Was read the first time and referred to the Committee on Judiciary.

SB 63: FOR AN ACT ENTITLED, An Act to require the development of school safety plans and to require the conduct of school safety drills in accredited schools.

Was read the first time and referred to the Committee on Education.

SB 81: FOR AN ACT ENTITLED, An Act to create the paraprofessional tuition assistance scholarship program.

Was read the first time and referred to the Joint Committee on Appropriations.

SB 82: FOR AN ACT ENTITLED, An Act to establish the Native American achievement schools grant program.

Was read the first time and referred to the Joint Committee on Appropriations.

SB 93: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the homestead exemption.

Was read the first time and referred to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1079: FOR AN ACT ENTITLED, An Act to permit the prescription and possession of an opioid antagonist in certain instances.

Was read the second time.

The question being "Shall HB 1079 pass as amended?"

And the roll being called:

Yeas 62, Nays 6, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bordeaux; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;
3 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;
4 Haugaard; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
5 Killer; Kirschman; Klumb; Langer; Marty; May; McCleerey; Mickelson; Munsterman; Novstrup
6 (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rozum;
7 Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson;
8 Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

9 Nays:

10 Bolin; Brunner; Latterell; Rounds; Russell; Schoenbeck

11 Excused:

12 Hawks; Kaiser

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1113: FOR AN ACT ENTITLED, An Act to exempt from the excise tax on motor
16 vehicles the transfer of motor vehicles to a nonprofit organization under certain conditions.

17 Was read the second time.

18 The question being "Shall HB 1113 pass as amended?"

19 And the roll being called:

20 Yeas 68, Nays 0, Excused 2, Absent 0

21 Yeas:

22 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
23 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
24 Harrison; Haugaard; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen
25 (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
26 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
27 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
28 Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra;
29 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

30 Excused:

31 Hawks; Kaiser

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 HB 1102: FOR AN ACT ENTITLED, An Act to allow for additional time to review certain
2 competitive sealed bids.

3 Was read the second time.

4 Rep. Gosch moved that HB 1102 be deferred to Friday, February 5, the 16th legislative day.

5 Which motion prevailed.

6 HB 1054: FOR AN ACT ENTITLED, An Act to authorize the production and sale of
7 industrial hemp.

8 Was read the second time.

9 The question being "Shall HB 1054 pass as amended?"

10 And the roll being called:

11 Yeas 57, Nays 11, Excused 2, Absent 0

12 Yeas:

13 Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Cronin; Deutsch; DiSanto; Dryden;
14 Duvall; Feickert; Gibson; Gosch; Haggard (Don); Harrison; Hawley; Holmes; Hunhoff (Jean);
15 Hunt; Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;
16 McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm;
17 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli;
18 Solum; Steinhauer; Stevens; Tulson; Verchio; Werner; Wiik; Willadsen; Wollmann; Zikmund;
19 Speaker Wink

20 Nays:

21 Anderson; Conzet; Craig; Greenfield (Lana); Haugaard; Heinemann (Leslie); Novstrup (Al);
22 Russell; Schoenbeck; Stalzer; Westra

23 Excused:

24 Hawks; Kaiser

25 So the bill having received an affirmative vote of a two-thirds majority of the members-
26 elect, the Speaker declared the bill passed and the title was agreed to.

27 HB 1090: FOR AN ACT ENTITLED, An Act to require certain statements and audits
28 concerning insurance pooling arrangements to be filed with the Department of Legislative
29 Audit.

30 Was read the second time.

1 The question being "Shall HB 1090 pass?"

2 And the roll being called:

3 Yeas 65, Nays 0, Excused 5, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;
6 DiSanto; Dryden; Duvall; Feickert; Gibson; Greenfield (Lana); Haggard (Don); Harrison;
7 Haugaard; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
8 Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;
9 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
10 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
11 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Wiik; Willadsen; Wollmann;
12 Zikmund; Speaker Wink

13 Excused:

14 Cronin; Gosch; Hawks; Kaiser; Westra

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the bill passed and the title was agreed to.

17 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

18 SB 29: FOR AN ACT ENTITLED, An Act to update the nurse practice act and to adopt
19 a new Interstate Nurse Licensure Compact.

20 Was read the second time.

21 The question being "Shall SB 29 pass?"

22 And the roll being called:

23 Yeas 64, Nays 0, Excused 6, Absent 0

24 Yeas:

25 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;
26 DiSanto; Dryden; Duvall; Feickert; Gibson; Greenfield (Lana); Haggard (Don); Harrison;
27 Haugaard; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
28 Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;
29 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
30 Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum;
31 Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Wiik; Willadsen; Wollmann; Zikmund;
32 Speaker Wink

1 Excused:
2 Cronin; Gosch; Hawks; Kaiser; Russell; Westra

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 SB 35: FOR AN ACT ENTITLED, An Act to update references to certain federal motor
6 carrier regulations.

7 Was read the second time.

8 The question being "Shall SB 35 pass?"

9 And the roll being called:

10 Yeas 60, Nays 4, Excused 6, Absent 0

11 Yeas:
12 Anderson; Bartling; Beal; Bolin; Bordeaux; Campbell; Conzet; Craig; Deutsch; DiSanto;
13 Dryden; Duvall; Feickert; Gibson; Greenfield (Lana); Haggard (Don); Harrison; Haugaard;
14 Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer;
15 Kirschman; Langer; Marty; May; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten
16 (Herman); Partridge; Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer;
17 Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson;
18 Verchio; Werner; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

19 Nays:
20 Brunner; Klumb; Latterell; Qualm

21 Excused:
22 Cronin; Gosch; Hawks; Kaiser; Russell; Westra

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the bill passed and the title was agreed to.

25 Rep. Stevens moved that the balance of the calendar including SB 10, 11, 17, 18, and 68
26 be deferred to Friday, February 5, the 16th legislative day.

27 Which motion prevailed.

28 There being no objection, the House reverted to Order of Business No. 5.

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1 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at
2 4:11 p.m. the House adjourned.

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Arlene Kvislen, Chief Clerk